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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,140	04/13/2004	Kevin I. Bertness	C382.12-0149	4535

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EXAMINER

LA, ANH V

ART UNIT PAPER NUMBER

2636

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,140

Applicant(s)

BERTNESS ET AL

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 27, 3/11/05, 1/24/05, 10/15/04, 8/23/04, 7/14/04, 6/16/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6-8, 10-14, 17, 18, 20, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Proctor (US 6,614,349).

Regarding claim 1, Proctor discloses an apparatus comprising a transmitter 14 transmitting a wireless security signal which defines a perimeter, at least one portable tool 26 (column 2, lines 1-5), a receiver 40, 44, and a security circuitry 54 coupled to the receiver and configured to disable the portable tool if the tool is outside the perimeter (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claim 17, Proctor discloses an apparatus comprising a transmitter 14 transmitting a wireless security signal which defines a perimeter, at least one portable tool 26 (column 2, lines 1-5), a receiver 40, 44, and a security circuitry 54 coupled to the receiver and configured to disable the portable tool if the tool at least partially passes through the perimeter (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claim 23, Proctor discloses a method comprising the steps of transmitting 14 a wireless security signal which defines a perimeter, receiving the transmitted security signal with a receiver 40, 44 embedded in a portable tool 26

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(column 2, lines 1-5), and disabling the portable tool if the tool is outside the perimeter (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claims 3 and 18, Proctor discloses a radio frequency signal (col. 2, lines 24-43).

Regarding claim 6, Proctor discloses the security signal being defined by a predetermined signal strength (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claim 7, Proctor discloses the tool being outside the perimeter if the security signal being less than the predetermined signal strength (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claim 8, Proctor discloses the security circuitry disabling the tool if a predetermined period of time has elapsed since the tool was outside the perimeter (col. 2, lines 54-67, col. 3, lines 25-65, col. 4, lines 35-58).

Regarding claim 10, Proctor discloses a tool transmitter 40, 44.

Regarding claim 11, Proctor discloses an internal power source 56.

Regarding claim 12, Proctor discloses the receiver comprising an embedded radio frequency identification tag (col. 2, lines 54-67).

Regarding claims 13, 20, Proctor discloses a processing circuitry 20 and an external receiver (figure 1).

Regarding claim 14, Proctor discloses a radio frequency identification reader (fig. 1, col. 2, lines 10-67).

Regarding claim 24, Proctor discloses receiving a theft signal transmitted from the tool when the tool is outside the perimeter (figure 1).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor.

Regarding claims 4-5, Proctor discloses all the claimed subject matter as set forth above in the rejection of claim 3, and further discloses the wireless communication being operated in different frequency bands (col. 2, lines 24-43), but does not disclose a Bluetooth protocol (claim 4) and 802.11b protocol. However, it would have been obvious to have the radio frequency incorporating a Bluetooth protocol and 802.11b protocol since it is not inventive to discover the optimum or workable ranges by routine experimentation.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor in view of Bohmer (US 5,130,658).

Regarding claim 2, Proctor discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a battery tester. Bohmer teaches the use of a battery tester (col. 1, lines 19-35). It would have been obvious at the time

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the invention was made to a person having ordinary skill in the art to include a battery tester to the apparatus of Proctor as taught by Bohmer for the purpose of preventing theft in automotive vehicle service.

6. Claims 9, 16, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor in view of Page (US 6,542,080).

Regarding claims 9, 16, 19, and 22, Proctor discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the tool having an output to output audible noise (claims 9, 19) and an output in the processing circuitry (claims 16, 22). Page teaches the use of an output 30 to output audible noise and an output 40 to output audible noise. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an output to the tool and an output to the processing circuitry of the apparatus of Proctor as taught by Page for the purpose of providing audible alarm indication.

7. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor in view of D' Angelo (US 6,265,974).

Regarding claims 15 and 21, Proctor discloses all the claimed subject matter as set forth above in the rejection of claim 13, but does not disclose a memory. D' Angelo teaches the use of a memory (col. 7, lines 54-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a

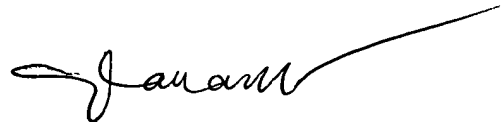
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memory to the processing circuitry of the apparatus of Proctor as taught by D' Angelo for the purpose of recording information related to the transmitted theft signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
September 19, 2005